



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

OFFICE OF THE DEAF AND HARD OF HEARING
PO BOX 45301, OLYMPIA, WASHINGTON 98504-5301

August 13, 2012

Greetings!

The Office of the Deaf and Hard of Hearing (ODHH) in the Department of Social and Health Services (DSHS), in collaboration with the Administrative Office of the Courts (AOC), has been drafting standards for sign language interpreters in Washington Courts. To see the history on this subject, please visit our website: <http://www.dshs.wa.gov/hrsa/odhh/interp.shtml>.

Our goal is to establish a list of qualified sign language interpreters to provide to Washington Courts, as is required by RCW 2.42 (<http://apps.leg.wa.gov/rcw/default.aspx?cite=2.42>). To create this list, we've drafted a series of rules which will become state regulations in the Washington Administrative Code (WAC). The WAC will determine the criteria and procedures for interpreters to be included in this list. We have worked with stakeholders from all communities impacted by this WAC, and believe we have strong criteria established.

This is where we need your assistance! Attached to this letter, you will find a draft copy of our WAC. We are sharing this with you because we think that you can provide valuable insight to us. As you review the WAC, ask questions: Does it make sense? Are the qualifications appropriate? Are we missing information, or do we have too much information? Are you left with any additional questions we didn't answer?

We've already gone through several rounds of informal feedback and review. Once we receive yours, we have several more steps to take before this rule is finalized. We are currently working on completing registration forms and finalizing the registration process. Our goal is to streamline as much as possible and not to duplicate efforts with our current DSHS sign language interpreter contracts. We are also working on a process called "usability testing." Once we have revised the WAC and made it as clear as we think is possible, we will invite a few individuals to "use" the WAC based on some scenarios we give them. It's very educational for us, determines the weak points in our document, and ensures that we move forward with the best possible rule that can be easily understood and is search-friendly.

Our goal is to submit our CR-102 Proposed Rule Making Form to the Office of the Code Reviser in the beginning of November. After that is completed, we will hold a public hearing to see if our rule needs any more revision. This should happen by the beginning of January. The CR-103 Rule-Making Order Form will then be filed with the Office of the Code Reviser, probably within a month or two of the public hearing. The rule will then become effective 31 days after that paperwork is filed. We anticipate that this will happen by April or May.

Please submit any feedback you have to ODHH by Friday, September 7, 2012. We prefer that feedback be in writing, to emily.hill@dshs.wa.gov, but if you are more comfortable on the phone or video phone, you can call (360) 902-0271 V/TTY or (360) 339-7756 VP. *You* are what will make this WAC successful. It's an exciting time in history for our state, and I am grateful to you for partnering with us!

Sincerely,

Emily Hill

SLIM Program Manager

emily.hill@dshs.wa.gov

(360) 902-0271 V/TTY

(360) 339-7756 VP

388-818-0010**What is the purpose of this chapter?**

- (1) The purpose of this chapter is to provide regulations about social services, telecommunications access services, and sign language interpreting services for quasi-judicial and judicial proceedings for people with hearing loss and speech impairments.
- (2) Telecommunications access services are provided:
 - (a) Under contract with qualified service providers; or
 - (b) Directly through the office of the deaf and hard of hearing (ODHH) at the department of social and health services (DSHS).
- (3) The purpose of this chapter related to sign language interpreting services in judicial and quasi-judicial settings is to:
 - (a) establish the minimum qualifications for sign language interpreters to be included on the Office of the Deaf and Hard of Hearing's (ODHH) Court Interpreter List which will be utilized by Washington Courts pursuant to RCW 2.42.130; and
 - (b) to establish standards for payment of sign language interpreting services, pursuant to RCW 2.42.170.

[Statutory Authority: RCW [43.20A.725](#), [43.20A.720](#), 2001 c 210. 03-05-100, § 388-818-0010, filed 2/19/03, effective 3/22/03.]

388-818-0020**What does the office of the deaf and hard of hearing do?**

- (1) The office of the deaf and hard of hearing (ODHH) within DSHS provides the following services to DSHS staff:
 - (a) Provides information about hearing loss;
 - (b) Offers technical assistance and workshops about deafness; and
 - (c) Identifies ways for DSHS staff to get sign language interpreter services for their clients who have hearing loss.
 - (d) Administers and monitors contracts with sign language interpreters and sign language interpreter referral agencies.
- (2) ODHH administers and monitors contracts with qualified service providers. These service providers offer community-based social services for clients who have hearing loss.
- (3) ODHH manages the telecommunications access service program.
- (4) ODHH contracts to provide telecommunications relay services (TRS).
- (5) ODHH facilitates the DSHS-telecommunications relay services (TRS) advisory committee on deafness.
- (6) ODHH provides a list of sign language interpreters and standards for fee considerations for Washington Courts.

388-818-0040

What definitions apply to this chapter?

"Amplified telephone" means an electrical device that increases the volume or tone of sounds being received during a telephone call.

"AOC" means the administrative office of the courts, as established in RCW 2.56.

"Applicant" means a client who applies for specialized telecommunications equipment.

"Audiologist" means a person who has a certificate of clinical competence in audiology from the American Speech, Hearing, and Language Association and is licensed to practice in the state of Washington.

"Client" means a person who is deaf, hard of hearing, speech impaired or deaf-blind and may receive services from ODHH.

"Deaf" means a condition where a person's hearing ability is absent or mostly absent.

"Deaf-blind" means a person with both hearing loss and visual impairments.

"DSHS or department" means the department of social and health services.

"Federal poverty guidelines" means the poverty level established by the **"Poverty Income Guideline"** updated annually in the Federal Register.

"Hard of hearing" means a condition where a person has functional hearing loss with some residual hearing, whether permanent or fluctuation, which adversely affects communication.

"Hearing loss" means any form of hearing impairment, from mild to profound.

"Intermediary interpreter" means an interpreter who is deaf who may be needed when the communication mode of the deaf consumer is so unique that it cannot be adequately understood by interpreters who are hearing. An intermediary interpreter acts as an intermediary between a hearing sign language interpreter and the deaf consumer.

"Mobility impairment" for the purpose of this chapter means restricted upper body movement, which limits the ability to hold or dial a standard telephone to communicate. Individuals must also have a hearing loss or speech impairment.

"ODHH" means the office of the deaf and hard of hearing in the department of social and health services.

"Qualified Interpreter" means a sign language interpreter who meets the qualifications required in this chapter and is included on the list administered by ODHH.

"Qualified service provider" means an agency or a business that provides social services to individuals with hearing loss or speech impairments. A qualified service provider may also be a **"qualified trainer."**

"Qualified trainer" means a person under contract with TAS who is knowledgeable in the use of telecommunications equipment.

"Relay service" is defined under **"telecommunications relay service (TRS)."**

"School-age" means between four and seventeen years of age.

"Sign language interpreter" means a person who facilitates communication between hearing individuals who communicate in spoken language and individuals who communicate in sign language. Sign language interpreters become certified by passing knowledge and performance tests established by the Registry of Interpreters for the Deaf (RID) or the National Association of the Deaf (NAD). Certification is maintained by RID and includes the requirements that interpreters must be members of RID, comply with ongoing educational requirements, and maintain ethical standards.

"Sliding fee scale" means a range used to determine an applicant's participation in the cost of equipment.

"Speech impairment" means inability to speak or a speech disability.

"TAS" means the telecommunications access service program administered by the office of the deaf and hard of hearing. The program provides equipment and services to help people with hearing loss and speech impairments have equal access to telecommunications.

"Telecommunications equipment" means any specialized device determined by TAS in ODHH to help a person with a hearing loss or speech impairment to communicate effectively. Examples include: Amplified telephone, TTY, signaling devices, software, digital equipment, and accessories. (See WAC [388-818-0070](#).)

"Telecommunications relay service (TRS)" means wire or radio service that enables a person with hearing loss or speech impairment to communicate with a person who uses a voice telephone. This service has communication assistants who transfer telephone conversations from one format to another (such as spoken words to text) to facilitate communication between two or more people.

"TTY" means teletypewriter or text telephone.

"TTY with Braille" means a teletypewriter with Braille keyboard and display.

"Washington courts" means any court recognized in RCW 2.08 or RCW 3.02.

[Statutory Authority: RCW [43.20A.725](#), [43.20A.720](#), 2001 c 210. 03-05-100, § 388-818-0040, filed 2/19/03, effective 3/22/03.]

388-818-500

STANDARDS FOR SIGN LANGUAGE INTERPRETERS IN COURTS

How do I qualify to be on the list of sign language interpreters who work in Washington Courts?

To be on the list provided by ODHH or found at a community center serving the deaf and hard of hearing which operates an interpreter referral service for interpreting services in Washington Courts, sign language and intermediary interpreters must meet qualification standards established and administered by ODHH. There are two qualification levels of interpreters, and different requirements for each level.

388-818-510

What authority does ODHH have to establish these standards?

Washington courts under RCW 2.42.130 may hire sign language interpreters identified by ODHH to be qualified for working in the courts. Those interpreters who meet these standards will be on a list maintained by ODHH and will be available from either ODHH or any community center to serve the requirements of the statute.

388-818-520

What are the different categories of court interpreters?

There are two categories of court interpreters: (1) sign language interpreters, and (2) intermediary interpreters. Each group has two qualification levels.

388-818-530**What are the requirements for Level I Sign Language Interpreters?**

Level I sign language interpreters are presumed to be the most qualified to interpret in court hearings because of their training, skills, and experience. To qualify as a Level I sign language interpreter, you must complete the following requirements:

1. The applicant must hold a current Specialist Certificate: Legal (SC:L) certification from the Registry of Interpreters for the Deaf.
2. You must pass a criminal background check.
3. You must complete the Washington Courts Training, developed and/or approved by the AOC and ODHH.
4. You must demonstrate experience working with intermediary interpreters, or attend the Intermediary Interpreting Teams training developed and/or approved by the AOC and ODHH.
5. You must take an oath of interpreter, as administered by the Washington Courts.

388-818-540**What are the requirements for Level II Sign Language Interpreters?**

To qualify as a Level II sign language interpreter, you must complete the following requirements:

1. You must hold a current certification from the Registry of Interpreters for the Deaf or the National Association of the Deaf.
2. You must have at least five years of interpreting experience after having attained your initial RID or NAD certification.
3. You must pass a criminal background check.
4. You must complete the Washington Courts Training, developed and/or approved by the AOC and ODHH.
5. You must complete the Introduction to Court Interpreting Training, developed and/or approved by the AOC and ODHH.
6. You must demonstrate experience working with intermediary interpreters, or attend the Intermediary Interpreting Teams class developed and/or approved by the AOC and ODHH.
7. You must take an oath of interpreter, as administered by the Washington Courts.

388-818-550**What are the requirements for Level I Intermediary Interpreters?**

Level I intermediary interpreters are presumed to be the most qualified to interpret in court hearings because of their training, skills, and experience. To qualify as a Level I intermediary interpreter, you must complete the following requirements:

1. You must hold a current Certified Deaf Interpreter (CDI) certification from the Registry of Interpreters for the Deaf.
2. You must have at least five years of legal interpreting experience after having attained your certification.
3. You must pass a criminal background check.
4. You must complete the Washington Courts Training, developed and/or approved by the AOC and ODHH.
5. You must complete the Introduction to Court Interpreting Training, developed and/or approved by the AOC and ODHH.
6. You must take an oath of interpreter, as administered by the Washington Courts.

388-818-560**What are the requirements for Level II Intermediary Interpreters?**

To qualify as a Level II intermediary interpreter, you must complete the following requirements:

1. You must have at least five years of professional interpreting experience.
2. You must pass a criminal background check.
3. You must complete the Washington Courts Training, developed and/or approved by the AOC and ODHH.
4. You must complete the Introduction to Court Interpreting Training, developed and/or approved by the AOC and ODHH.
5. You must take an oath of interpreter, as administered by the Washington Courts.

388-818-570

Are there any ongoing requirements?

Level I Sign Language Interpreters are required to maintain their SC:L certification with RID. Level II Sign Language Interpreters and Level I Intermediary Interpreters must submit proof of twenty (20) hours of legal continuing education credits (2.0 CEUs) to ODHH every four (4) years in accordance with your RID certification maintenance cycle. Level II Intermediary Interpreters must submit proof of twenty (20) hours of legal continuing education credits every four years from the date of initial registration. The number of continuing education credits required for your first reporting cycle will be pro-rated depending on your initial registration date.

An updated criminal background check will be required annually by July 1.

388-818-580

If I have a criminal conviction in my history, am I automatically disqualified?

No, if you have a criminal conviction in your history, you are not automatically disqualified, though a misdemeanor, gross misdemeanor, or felony conviction may be grounds for disqualification. All interpreters must undergo a DSHS criminal background check conducted by the DSHS Background Check Central Unit using DSHS form 09-653 Background Authorization. Crimes that are automatically disqualifying can be found on the DSHS Secretary's List of Disqualifying Crimes and Actions (located at: <http://www1.dshs.wa.gov/msa/bccu/BCCU-crimesList.htm>).

388-818-590

What is included in the Washington Courts Training?

Washington Courts Training includes information specific to the Washington court system, including, but not limited to: understanding the Washington court system, roles of various court levels, Washington legal terminology and procedure, and courtroom protocol and procedure. Washington Courts Training is required for all sign language and intermediary interpreters.

388-818-600

What is included in the Introduction to Court Interpreting Training?

Introduction to Court Interpreting Training focuses on the interpreting aspect of working in courts, including, but not limited to: interpreting in an adversarial setting, interpreter roles in the legal setting, and navigating issues unique to court interpreting. Introduction to Court Interpreting Training is required for all Level II sign language interpreters and all intermediary interpreters.

388-818-610

How do I find out when and where training is available?

You can contact ODHH at 800-422-7930 V/TTY or at <http://odhh.dshs.wa.gov> or the AOC at <http://www.courts.wa.gov/interpreters> to see a schedule of training opportunities available.

388-818-620

I've already taken some legal interpreting training. Can I count this toward the training requirement?

This will be evaluated by ODHH on a case-by-case basis depending on the content and the elapsed time since the training event. Interpreters should be prepared to share any previous training materials to make a proper determination.

388-818-630**How do I add my name to the court interpreter list?**

First, send a completed DSHS Form ##### "Form Name" to ODHH, including all required attachments. To request the form, contact ODHH at 800-422-7930 V/TTY or download the form at <http://odhh.dshs.wa.gov>.

If you fulfill all pre-requisites, ODHH and/or the AOC will contact you about the next dates available for Washington Courts Training and/or the Introduction to Court Interpreting Training.

After you have satisfied all requirements, your name will be added to the court interpreter list.

388-818-640**What sign language interpreters can be hired to work in Washington Courts?**

To be given preference to work in Washington Courts, interpreters must be either Level I or Level II Interpreters. In each case or hearing, Courts are encouraged to make every effort possible to hire Level I Sign Language Interpreters and determine whether an Intermediary Interpreter is necessary. If Level I interpreters are not available, courts may hire Level II interpreters.

388-818-650**Where does a court obtain a list of Qualified Interpreters?**

Washington Courts shall contact either ODHH at 800-422-7930 V/TTY or <http://odhh.dshs.wa.gov>, or the AOC at <http://www.courts.wa.gov/interpreters>. This list may also be available at community centers serving the deaf and hard of hearing which operate an interpreter referral service.

388-818-660**What are the standards for fee considerations that interpreters might charge a court?**

Standards for fee considerations can be found on the ODHH website, <http://odhh.dshs.wa.gov>.

388-818-670**Can I appeal ODHH's Decision to omit or remove my name from the Qualified Interpreters List?**

1. You and ODHH must make your best effort to resolve disputes about inclusion on the list.
2. If you are not satisfied with the resolution of your dispute you may:
 - a. Submit a written statement to ODHH of why you are a qualified interpreter and should be included on the list. Your statement may include supporting documentation from witnesses or third parties. You may deliver your statement in person or mail it to:

Director
Office of the Deaf and Hard of Hearing
PO Box 45301
Olympia, WA 98504-5301
 - b. Your complaint must be received within ten (10) business days of ODHH's initial notice that you do not meet the criteria for inclusion on the list.
3. The ODHH Director will review your documents and provide you with an opportunity for an in-person meeting to present your information.
 - a. At this meeting you may present evidence in support of your position either in writing, by in-person witness testimony, or through written declarations.
 - b. The Director shall issue a written decision to you within thirty (30) calendar days of receipt of your statement or of your in-person meeting, whichever is later.

4. If you disagree with the decision of the ODHH Director, you may request the Deputy Secretary or a designee review that decision.
 - a. The request for review must be submitted to the ODHH Director in writing within thirty (30) business days of your receipt of the Director's decision.
 - b. ODHH will forward the entire file of the dispute to the Deputy Secretary's Office for review.
 - c. The Deputy Secretary may request additional information from you or ODHH.
 - d. The Deputy Secretary shall issue a written decision to you within thirty (30) calendar days after receipt of your request for review.
 - e. The Deputy Secretary's decision is the final decision of the Department.